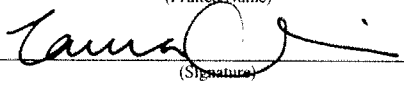


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heinz-Josef LENZ, et al.
Title: POLYMORPHISMS FOR
PREDICTING DISEASE AND
TREATMENT OUTCOME
Appl. No.: 10/522,664
International Filing Date: 7/31/2003
371(c) Date: 8/3/2005
Examiner: Carla J. Myers
Art Unit: 1634
Confirmation
Number: 8635

CERTIFICATE OF ELECTRONIC TRANSMISSION I hereby certify that this paper is being electronically transmitted to the United States Patent and Trademark Office, Alexandria, Virginia via EFS-Web on the date below.
Laura Davis (Printed Name)
 (Signature)
March 5, 2009 (Date of Transmission)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of

the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing of a first Office action after the filing of a Request for Continued Examination under §1.114.

RELEVANCE OF EACH DOCUMENT

Applicants draw the Examiner's attention to the post-filing technical references (Ref. Nos. D28-D46) cited in the attached PTO SB/08 describing correlation between ERCC1 gene sequence at codon 118 with various therapeutic outcomes and various treatments.

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

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Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 5, 2009

By Antoinette F. Konski

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